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MAY 22 2006

OFFICE OF PETITIONS

In re Application of :
Nobuyuki Takamori et al :
Application No. 10/804,328 :
Filed: March 18, 2004 :
Attorney Docket No. 61,032 (70904) :

ON PETITION

This is a decision on the petition, filed May 19, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 6, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1774 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. _____

Date : May 22, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : withdrawal from Issue of

Applicant(s) : Nobuyuki Takamori et al
Application No. : 10/804,328
Filed : March 18, 2004

The above-identified application has been assigned Patent No. 7,052,758 and an issue date of May 30, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of May 30, 2006:

"All reference to Patent No. 7,052,758 to Nobuyuki Takamori et al of Japan for OPTICAL INFORMATION RECORDING MEDIUM, RECORDING AND READOUT METHODS USING THE SAME, OPTICAL INFORMATION REORDING DEVICE, AND OPTICAL INFORMATION READOUT DEVICE appearing in the Official Gazette of May 30, 2006 should be deleted since no patent was granted."

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468)
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Mary Louise McAskill, ST-8C15 (FAX 305-4372)
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